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VIA ELECTRONIC MAIL

Hon. Denise L. Cote
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street, Room 1610
New York, NY 10007-1312

Re: FHFA v. Credit Suisse Holdings (USA), Inc., No. 11-CV-6200 (DLC)

Dear Judge Cote:

We write on behalf of Plaintiff FHFA respectfully to request that the Court compel Defendants in the above-captioned action (collectively, "Credit Suisse") to produce additional documents of former Credit Suisse executive Michael Fallacara. The parties have met and conferred and are at an impasse on this matter.

During the parties' negotiation of their custodian lists last fall, FHFA requested that Fallacara be designated as a custodian because of his position as head of the Conduit department. [REDACTED] Credit Suisse opposed FHFA's request, stating that Fallacara's documents would duplicate those of others who were already custodians. Without discovery, FHFA had no basis to disagree and accepted Fallacara's exclusion.

From subsequent discovery, FHFA has learned that a host of unique and highly relevant documents of Fallacara have not been produced, such as those described below. Those documents concern the core issue of whether Credit Suisse abandoned underwriting standards to bolster volume and profit. Fallacara's department oversaw the buying of billions of dollars of loans, including loans in the Securitizations. [REDACTED]

Documents produced from other custodians' files establish the importance of Fallacara's communications. [REDACTED]

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Credit Suisse has failed to produce documents of Fallacara that are equally relevant to those from the files of other custodians. For example, Credit Suisse's production of [REDACTED]

[REDACTED]

Credit Suisse has conceded relevance and maintained only that FHFA's request is untimely. [REDACTED]

[REDACTED]

For these reasons, FHFA respectfully requests that Credit Suisse be ordered to produce additional documents of Michael Fallacara. FHFA is available to discuss this request at the Court's convenience.

[REDACTED]

Respectfully submitted,

/s/ Christine H. Chung
Christine H. Chung

cc: All Counsel of Record